

**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MAINE**

COMCAST OF MAINE/NEW HAMPSHIRE,  
INC., *et al.*,

Plaintiffs,

v.

JANET MILLS, in Her Official Capacity as  
the Governor of the State of Maine, *et al.*,

Defendants.

CIVIL ACTION NO.: 1:19-cv-00410-NT

**STATE DEFENDANTS' ASSENTED-TO MOTION TO  
STAY FURTHER PROCEEDINGS PENDING APPEAL**

The State Defendants<sup>1</sup> respectfully request that further proceedings in this Court be stayed pending resolution of the State Defendants' appeal of this Court's order granting plaintiffs' preliminary injunction motion. In support, the State Defendants state as follows:

1. At issue in this case is P.L. 2019, ch. 308 ("Chapter 308"), which requires cable operators to offer subscribers the option of individually purchasing cable channels and programs.
2. On September 11, 2019, plaintiffs filed a Motion for Preliminary Injunction seeking to enjoin enforcement of Chapter 308, arguing the Chapter 308 is preempted by federal law and violates the First Amendment. *See* Docket Item 14.
3. On December 20, 2019, following briefing and oral argument, the Court entered an order denying injunctive relief based on plaintiffs' preemption claim but granting relief based on their First Amendment claim. *See* Docket Item 91.

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<sup>1</sup> The State Defendants are the Governor and the Attorney General, who are both sued in their official capacities.

4. The Court found that the evidentiary record was not sufficiently developed to make a final determination on plaintiffs' claims for declaratory and permanent injunctive relief, and it directed the Clerk of Court to enter a scheduling order to govern further proceedings. *Id.*
5. On January 17, 2020, the State Defendants filed a Notice of Appeal to the United States Court of Appeals for the First Circuit of this Court's order granting injunctive relief.
6. "[T]he First Circuit's response to the interlocutory appeal is likely to inform the future handling of the case, and may well affect the nature and scope of discovery." *Bruns v. Mayhew*, No. 1:12-CV-00131-JAW, 2013 WL 12234023, at \*2 (D. Me. May 24, 2013). Potential guidance from the First Circuit may also "assist[] the expeditious and cost-effective resolution of this lawsuit." *Id.*
7. The State Defendants are not seeking a stay of the injunction, so plaintiffs will face no risk of enforcement of Chapter 308 pending resolution of the appeal.
8. The plaintiffs have no objection to further proceedings in this Court being stayed during the pendency of the appeal.

Wherefore, the State Defendants respectfully request that further proceedings in this Court be stayed pending resolution of the appeal.

DATED: January 23, 2020

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on this, the 23rd day of January, 2020, I electronically filed the above document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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